

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHEILA PORTER,

Plaintiff,

V.

ANDREA CABRAL, SUFFOLK COUNTY
SHERIFF'S DEPARTMENT, SUFFOLK,
COUNTY and CORRECTIONAL
MEDICAL SERVICES, INC.,

Defendants.

CIVIL ACTION NO. 04-11935 DPW

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant and subject to the provisions of Rule 16.1 of the Local Rules of the United States District Court for the District of Massachusetts, and the Court's Notice of Scheduling Conference, dated September 28, 2004, counsel for the parties have conferred concerning an agenda of matters to be discussed at the scheduling conference and a proposed pretrial schedule for the case, and hereby submit the following Joint Statement:

1. Proposed Agenda

The parties suggest that an appropriate agenda for the scheduling conference would include discussion of the following: pretrial schedule, including plan for discovery; pending motions; alternative dispute resolution; settlement; and any other items of concern to the Court.

2. Pending Motions

Pending before the Court is a Partial Motion to Dismiss, filed by Defendants Andrea Cabral, Suffolk County Sheriff's Department and Suffolk County (collectively, the "Government Defendants"). Defendant Correctional Medical Services Inc. ("CMS") has also recently filed a Partial Motion to Dismiss, after it filed an Answer.

3. **Proposed Pretrial Schedule**

The parties have agreed on all dates within the below-listed pretrial schedule.

- (a) Initial Disclosures: Initial discovery disclosures, as per Rule 26(a), shall be made no later than November 17, 2004.
- (b) Fact Discovery: All fact discovery (including answers to interrogatories, responses to requests for admissions, responses to document requests (including the production of documents), and depositions) to be completed on or before May 31, 2005.
- (c) Expert Discovery: Expert discovery to be completed as follows:
 - (1) Plaintiff will designate expert witnesses and produce expert reports no later than July 1, 2005;
 - (2) Defendants will designate expert witnesses and produce expert reports no later than August 1, 2005;
 - (3) Depositions of expert witnesses to be completed by September 15, 2005.
- (d) Motions:
 - (1) Amendments to pleadings to be filed in accordance with Fed. R. Civ. P. 15(a).
 - (2) Dispositive motions to be filed on or before October 17, 2005.
- (e) Pre-Trial Conference: The parties will be prepared for a final pretrial conference at a date convenient for the Court.

4. **Discovery Event Limitations**

- (a) **Depositions**: The parties agree that the Government Defendants collectively will be permitted to take up to a total of ten depositions (including third-party depositions), and that Defendant CMS will be permitted to take up to a total of ten depositions (including third-party depositions). The parties agree that Plaintiff Sheila Porter shall be permitted to take up to a total of 10 depositions with respect to the Government Defendants, collectively, and up to a total of 10 depositions with respect to Defendant CMS and third parties, collectively.
- (b) **Written Fact Discovery**: The parties agree that Plaintiff shall be permitted to serve 25 interrogatories, 25 requests for admissions, and 2 sets of document requests upon (i) the Government Defendants, collectively; as well as (ii) Defendant CMS. The parties further agree that (i) the Government Defendants, collectively, and (ii) Defendant CMS shall each be permitted to serve 25 interrogatories, 25 requests for admissions, and 2 sets of document requests upon the Plaintiff.

5. **Trial by Magistrate Judge**

The parties do not consent to trial by Magistrate Judge.

6. **Rules 16.1(D)(3) Certifications**

The parties are submitting separately their certifications regarding consultation on litigation budgets and alternative dispute resolution as required by Local Rule 16.1(D)(3).

7. **Modifications**

All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court for good cause shown. All discovery event limitations set forth herein may be modified by written agreement of the parties, or upon motion to the Court for good cause shown.

Respectfully submitted,

SHEILA PORTER,

**ANDREA CABRAL, SUFFOLK COUNTY
SHERIFF'S DEPARTMENT and
SUFFOLK COUNTY,**

By her attorneys,

By their attorneys,

/s Maura M. Jakola

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**CORRECTIONAL MEDICAL
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Dated: October 28, 2004
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